APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/948,530	10/09/1997	ALEC MILOSLAVSKY	P3253	7093

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EXAMINER
NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. 08/948,530	**Applicant(s)** MILOSLAVSKY
● ● **Office Action Summary**	**Examiner** Steven HD Nguyen	**Art Unit** 2665

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 February 2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _6-9 and 14-16_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _6-9 and 14-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Prosecution Application

1.   The request filed on 2/26/2002 for a Continued Prosecution Application (CPA) under 37

CFR 1.53(d) based on parent Application No. 08/948530 is acceptable and a CPA has been

established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 6-7 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ginsberg (USP 6064730).

Regarding claim 6, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8) an

Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT

calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent

workstation at a center), comprising an initial call-processing system in the Internet receiving

IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet

call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP)

processor routing the incoming IPNT calls to selected agent addresses at the at least one call

center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a

call; See col. 4, lines 1-37) by using activity information, including one or more of call volume,

agent status, and agent skills, received from the at least one call center to select the agent

addresses at agent workstations in the at least one call center to route the incoming IPNT calls

(Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63).

Regarding claim 7, Ginsberg discloses a SCP which connects to CTI via an internet (See

col. 4, lines 1-38 and Fig 2, Ref 250 and 275).

Regarding claims 14-16, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8)

an internet routing server in the internet for routing IPNT calls (Fig 2, Ref 275) to the

destinations based on the processing information about the transactions at the call center

including a agent skill, agent status etc in a database (Fig 2, Ref 352) coupling to the internet

routing system via internet protocol (See col. 4, lines 1-67).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

5.   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg

(USP 6064730) in view of Bateman (USP 5884032).

Regarding claims 8-9, Ginberg does not disclose a CTI and a plurality of computers are

connected on a LAN and a data server for storing a customer information. However, in the same

view of endeavor, Bateman discloses a CTI, data server and computers are connected on a LAN

(Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a local area network at a call center for connecting a plurality of

computers as disclosed by Bateman into Ginsberg's call routing system. The motivation would

have been to reduce cost of the call center. Even without, the teaching of Bateman, one of

ordinary skill in the art would know how to connect the computers together using a LAN because

LAN is well known and expected in the art.

6.   Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (USP

5848143) in view of Gottlieb (USP 5920621) or Lindeberg et al (USP 6049479).

Andrew teaches an Internet Protocol Network Telephony call-routing system (see in

figure 9) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in

an IPNT capable center (400), comprising an initial call-processing system (408) in the Internet

for receiving calls from customers (410,412) in the Internet (408). Andrews differs from the

claim in that Andrew does not teach the use of SCP processor in the call processing system in the

Internet to route incoming calls based on agent status. However, such feature is well known in

the art of telephony. For example, Gottlieb describes in details how a SCP processor (226) that

routes incoming calls to appropriate operator/agent using operator/agent status (see col. 7, lines

36-63). In another prior art example, Lindeberg also teaches SCP processor 231 that routes

incoming calls to appropriate operator/agent using operator/agent status (see figure 5; col. 11,

lines 21-27) in a computer telephony integration (CTI) environment which is similar to Andrews'

computer telephony integration environment. Gottlieb further teaches force management

database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1). The use of SCP

processor to route incoming calls to appropriate operator/agent using operator/agent status

enhance call routing efficiency. Thus, it would have been obvious to one skilled in the art at the

time the invention was made to apply Gottlieb's or Lindeberg's teaching of using a SCP

processor to route incoming calls to appropriate operator/agent using operator/agent status in

Andrew's system with the motivation being to enhance call routing efficiency.

7.   Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et

al (USP 5848143).

Regarding claims 14-16, Andrews teaches an Internet protocol network telephony system

having a routing server (48 or 480) and database (54 or 476). The routing server routes the

incoming calls to the agents using stored and processed information in the database (historical

information) about transactions including agent skill, status, availability, etc. See col. 6, lines

31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See

figure 9, col. 11, lines 39-67. Andrews differs from the claim in that Andrews database is within

the call center as opposed to being located remotely from the call center (claim 14) or located in

the Internet (claim 16). However, one skilled in the art would have recognized that such remote

location would have been desirable if the information is to be shared among different call centers

or that the information is to be managed by a remote management site. If the call center fails, an

independent remote site can still provide the information to other call center. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andrews' system to have the database located remotely from the call center with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center fails.

Response to Arguments

8.   Applicant's arguments filed 2/25/2002 have been fully considered but they are not persuasive.

In response to pages 4-6, the applicant states that Andrews does not disclose an initial call processing system in the Internet receiving IPNT calls from the customers in the Internet and including a service control point processor routing the incoming IPNT call. In reply, Andrews discloses in Fig 9, an Internet caller "412, multimedia" for initiating an Internet call and a controller (Fig 2 and 6, Routing engine Ref 48 and database, Ref 52 and 54) includes a routing engine coupling to a database for routing the Internet call to the agent computer (Col. 11, lines 39 to col. 13, lines 8). Furthermore, the applicant states that Andrews is a dump network. In reply, Andrews is an intelligent network which is received the internet calls and uses database which includes the information such agent status, skill etc to route the internet call to the agent computer (Col. 11, lines 39 to col. 13, lines 8).

In response to Applicant's argument that the combination of the prior art references (Andrews in view of Linderberg; or Andrews in view of Gottlieb) would fails because there is no SCP, which couples to the Internet. In reply, the Internet comprises a plurality of subnet works

which couples via the router, switch etc. Gottlieb and Linderberg disclose a SCP, which has a database, using for routing the call to call basic. SCP inherently uses Internet protocol for exchanging the information with the client. Therefore, SCP is always connected to the Internet.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Andrews discloses a controller for routing the internet calls to the agent computer on a call by call basic based on the information in the database and controller has a database for storing agent status, skills, internet address (Col. 11, lines 39 to col. 13, lines 8). Gottlieb and Linderberg disclose an SCP couples to a gateway or CTI for routing the call to an agent. Therefore, it would have been obvious to one of ordinary skill in the art to apply an SCP as disclosed by Gottlieb and Linderberg into Andrews's telecommunication system. Even without, the teaching of Gottlieb and Linderberg, one of ordinary skill in the art would have been to recognize SCP of Gottlieb and Linderberg can replace a database of Andrews

On page 6 of the remarks in the last paragraph, Applicant argues that claim 14 recites and the prior art fails to teach a database at the customer premises. Examiner notes that the limitation on which Applicant relies (i.e. a database at the customer premises), are not stated in the claims. Therefore, it is irrelevant whether the reference includes those feature or not. Claim 14 recites a database connected to an Internet routing server receiving and storing processed information

about transactions in the call center, ... etc. No where in claim 14 one can find the alleged

limitation of a database at the customer premises. Applicant further argues that database 54 of

the prior art is not connected to the routing server, Applicant's attention is directed to figure 2

that unmistakably shows that database 54 is connected to the routing server 48. Figure 10 which

applicant relies on also shows that database 476 is connected to the routing server 480.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven HD Nguyen whose telephone number is 703-308-8848.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9314 for regular

communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9000.

Steven HD Nguyen
Examiner
Art Unit 2665
April 28, 2002